THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.12802 of 1996

Date:24.03.2006

Between:

V.Ramachandraiah

-------PETITIONER

AND

The Joint Collector and others.

---------RESPONDENTS

ORDER:

The petitioner states that his ancestors and himself have been in possession of Ac.0.65 cents of land in Sy.No.77/1 of Kattakindapalli village, Thavanampalli Mandal, Chittoor District for the past sixty years. The petitioner states that recognising the long possession, the Mandal Revenue Officer, the third respondent, granted lease vide proceedings, dated 16.11.1992. Complaining that even while the lease is in force, attempts were being made to evict him, the petitioner approached the Joint Collector, Chittoor, the first respondent. Through proceedings, dated 24.10.1995, the first respondent is said to have directed maintenance of *status quo*.

The Revenue Divisional Officer, Chittoor, the second respondent, initiated proceedings against the petitioner on a direction issued by the first respondent. Ultimately, after issuing notice to the petitioner, the second respondent passed an order, dated 18.06.1996, canceling the lease granted to the petitioner and directing resumption of the land. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for

Revenue.

One of the grounds urged on behalf of the petitioner is that the direction for maintenance of *status quo* issued by the first respondent through proceedings, dated 24.10.1995, was very much in force by the time the second respondent passed the impugned order. It is also contended that though the general direction issued by the first respondent was for removal of encroachments, the petitioner was treated as an encroacher notwithstanding the existence of the lease in his favour.

The question as to whether the order of *status quo* granted on 24.10.1995, was in force as on 18.06.1996 and whether the second respondent violated any provisions of Board standing orders, can be examined effectively, if the matter is taken to the notice of the first respondent either by way of appeal or by a representation. Such disputed questions of fact cannot be adjudicated in a writ petition under Article 226 of the Constitution of India.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to approach the first respondent through a representation or appeal. The interim order granted by this Court, while admitting the writ petition, shall remain in force, for a period of four weeks from today. The rights of the petitioner *vis-à-vis* the land shall depend upon the nature of the orders that may be passed by the first respondent. There shall be no order as to costs.

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24.03.2006

kdl